

Ninety-First Regular Session

WEDNESDAY, April 27, 1994

The chief clerk makes the following entries under the above date.

PETITIONS AND COMMUNICATIONS State of Wisconsin Ethics Board

April 19, 1994

To the Honorable the Senate:

At the direction of s. 13.685(7), Wisconsin Statutes, I am furnishing you with the following changes in the Ethics Board's records of licensed lobbyists and their employers.

Organization's termination of lobbyists: Each of the following organizations previously registered with the Ethics Board as the employer of a lobbyist has withdrawn, on the date indicated, its authorization for the lobbyist identified to act on the organization's behalf.

Farm Bureau Federation, Wisconsin

Johnson, Timothy 4/21/94

Green Bay Area Visitor & Convention Bureau

Van Sistine, Jerome 4/15/94

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,
R. Roth Judd
Executive Director

State of Wisconsin
Department of Corrections

April 11, 1994

To the Honorable the Legislature:

Under 1993 Wisconsin Act 97, Section 22, the Department of Corrections is required to meet with interested persons to study different possible procedures for providing notice of an offenders release on parole or placement in the community to a person who is protected against a prisoner by a domestic abuse restraining order or injunction, child abuse restraining order or injunction of harassment restraining order or injunction. In order to prepare a report on notification, a meeting was held on Monday, March 21, 1994 with the following representatives:

Kathleen Krenak - Wisconsin Coalition Against Domestic Violence
Tom Van de Grift - Department of Corrections
Chris Nolan - Justice Department - Office of Crime Victim Services

Tess Meuer - Justice Department - Office of Crime Victim Services
Patti Seger - Dane County Advocate for Battered Women
John Husz - Chairperson - Wisconsin Parole Commission
Betty Thompson - Victim Advocate - Wisconsin Parole Commission

In addition, input has been received from the following persons:

Jo Kolanda - Victim/Witness Coordinator - Milwaukee Co.
Barb Pollock - Task Force for Battered Women in Milwaukee
Christina Wildlake - Director - Wisconsin Coalition Against Sexual Assault
Elena Meyers - Department of Health and Social Services - Domestic Abuse Unit

Sincerely,
Michael J. Sullivan
Secretary

State of Wisconsin
Department of Health and Social Services
March 1, 1994

To the Honorable the Legislature:

Pursuant to s. 51.44(5)(c), Wis. Stats., the Department of Health and Social Services is submitting its annual Birth to Three Program report which identifies the Department's progress towards full implementation of the program, including the progress of counties in implementing the goals.

Sincerely,
Gerald Whitburn
Secretary

State of Wisconsin
Department of Health and Social Services
March 28, 1994

To the Honorable the Legislature:

Attached are three copies of the "Annual Report" for the period from October 1, 1992 through September 30, 1993, and a copy of Wisconsin's "Annual Performance Report" for the same period. The "Performance Report" supplements the "Annual Report" prepared by the Department of Health and Social Services (DHSS) and the Interagency Coordinating Council and covers items requested by the Office of Special Education Program that are not discussed or explicitly state in the "Annual Report."

Please feel free to contact me if you have any questions or need information on Wisconsin's activities during this federal fiscal year.

Sincerely,

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Susan Robbins
Birth to Three Coordinator

State of Wisconsin
Department of Employment Relations
April 14, 1994

Rather, this decision must be part of our overall priority setting, in the 1995-97 biennium.

Respectfully,
TOMMY G. THOMPSON
Governor

State of Wisconsin
Office of the Governor
April 21, 1994

To the Honorable the Legislature:
The first Written Hiring Reasons Report for Wisconsin State Government is enclosed. The report, covering the period May 1, 1992 through June 30, 1993, is required under ss. 230.25(1p) and 230.27(2k), Wis. Stats., created by 1991 Wisconsin Act 101. Act 101 made several changes in Wisconsin civil service law regarding veterans preference and affirmative action. The law requires "written hiring reasons" for certain hiring transactions and requires the Department of Employment Relations to summarize the hiring reasons and prepare an annual report.

If you have questions, please contact Gregory C. Jones, Administrator of the Division of Affirmative Action, at 266-3017.

Sincerely,
Jon E. Litscher
Secretary

To the Honorable, the Senate:
The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Act No.	Date Approved
810(Vetoed in part)	377	April 20, 1994
747	378	April 20, 1994
444	384	April 20, 1994
113	387	April 20, 1994
730	390	April 20, 1994
453	393	April 20, 1994
705	394	April 20, 1994
570	395	April 20, 1994

Respectfully,
TOMMY G. THOMPSON
Governor

State of Wisconsin
Office of the Governor
April 21, 1994

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

To the Honorable, the Senate:
I am vetoing **Senate Bill 414** in its entirety. This bill provides that in determining an estate's value in order to calculate the probate filing fee the value of a revocable inter vivos trust is excluded.

I am vetoing **Senate Bill 414** because it is identical to provisions included in **Assembly Bill 600** which I have already signed and has been enacted as 1993 Wisconsin Act 160.

Respectfully,
TOMMY G. THOMPSON
Governor

State of Wisconsin
Office of the Governor

To the Honorable, the Senate:
I am vetoing **Senate Bill 291** in its entirety. This bill would create eleven additional circuit court branches in the following counties: Jefferson, Calumet, Fond du Lac, Winnebago, Dane, Wood, La Crosse, Brown, Waupaca, Lincoln nad Marathon, and create 22.0 GPR positions (eleven judges and eleven court reporters).

I am vetoing this bill because additional circuit court branches must be determined in the context of the 1995-97 biennial budget. This veto in now way passes judgment on which additional courts have merit.

To the Honorable, the Senate:
I have approved **Senate Bill 810** as 1993 Wisconsin Act 377 and have deposited it in the Office of the Secretary of State. I have exercised the partial veto in sections 10, 19, 20, 66, 9101, 9108(1)(b) and (2t), 9126(1)(d) and (3x) (a) and (b), 9133(1t), 9412(1), and 9426(2), (4) and (5v).

Juvenile Assessment and Evaluation Center Planning

Sections 10, 9108(1)(b) and (2t), 9126(1)(d) and 9426(2) authorize an increase in general fund supported borrowing of \$309,100 to plan a juvenile assessment and evaluation center based on the findings of a Juvenile Justice Study Committee created by this bill. I am vetoing these sections in whole or in part because the Attorney General and bond counsel have consistently held that bonding authority cannot be used to plan projects for which there is no assurance that the project will be constructed. This project has not been enumerated in the state building program so there is no assurance that it will be constructed.

Disadvantaged Businesses

Section 9101 and 9412(1) require the Department of Administration (DOA) to attempt to ensure to the fullest extent possible that at least 50% of the total amount expended for the juvenile secured correctional beds authorized under section 9108(1)(a) of the bill be awarded to contractors and subcontractors which are disadvantaged businesses as defined by current law. Section 9101 also provides that construction contracts

may be awarded to disadvantaged businesses at no more than 5% higher than the apparent low bid. Previously this language was ruled unconstitutional in Milwaukee County Pavers Association v. Fiedler, 922 F.2d 419 (7th Cir. 1991). Therefore, I am vetoing sections 9101 and 9412(1) in whole or in part because I do not believe the state should put into statute language which has been found unconstitutional. In addition the state building program already actively promotes the participation of minority businesses for both the design and construction of facilities across the state, not only in southeastern Wisconsin.

I fully endorse the intent of maximizing the use of disadvantaged contractors. Under my leadership, the state building commission demonstrated this commitment when we recently awarded 100% of the construction funds for the new female youth correctional institution of Union Grove to a minority construction firm. In addition, the last expansion of Racine Correctional Institution was awarded to a minority business.

I am committed to providing opportunities to minority and disadvantaged businesses and I am directing DOA to make every effort to award contracts to those businesses under the minority business program.

Boot Camp Staff

Section 9400 establishes an overall effective date of December 1, 1995, for most of the provisions in the bill. Other sections, including section 9426(4), which establishes an effective date for the correctional facility review position, indicate an effective date of the day after publication of the act. I am partially vetoing section 9426(4) because, due to a technical error, the establishment of the overall December 1, 1995 effective date means that 2.0 GPR FTE positions for the planning of the boot camp would not be authorized until December 1, 1995 even though they were intended to be provided starting in July, 1994. Since the boot camp is to be operative beginning in October, 1994, I am partially vetoing section 9426(4) in such a way as to ensure that the positions are available at the beginning of the 1994-95 fiscal year as intended by the Legislature.

Intensive Residential Aftercare

Sections 19, 20, 9133(1t) and 9426(5v) establish a new intensive residential aftercare pilot program which will be conducted by child caring institutions (CCIs) and will allow these facilities to keep youth temporarily in secure custody. Sections 19 and 20 also specify that the statutory daily rate for this new program will be \$169 per day. Funds to pay for the new daily rate were included in the Joint Committee on Finances's (JCF) supplemental appropriation rather than through the Youth Aids formula, as is typical. I am vetoing these sections in whole or in part because they create administrative problems for the counties in paying for these services. Counties would be required to pay the \$169 per day, which far exceeds the existing statutory rate for CCIs of

\$141 per day, but they would not be provided the additional funds directly through Youth Aids to pay the higher rate. Therefore I am vetoing the references to the new daily rate so that counties would continue to pay the existing statutory rate. I am also vetoing references to compensating counties with JCF supplemental funds because it would be more efficient for DHSS to apply to JCF for the set-aside funds and pay the difference in the rates to the CCIs.

In addition, section 9126(3x)(a) and (b) requires, among other things, that DHSS develop administrative rules for the new program to specify procedures and criteria to ensure the security of the youth in the CCI and the physical modifications necessary to maintain secure custody. I am vetoing this section in part because I believe the requirements are unnecessary. I believe DHSS can accomplish the same intent by specifying such procedures and criteria in the request for proposal which will be developed to purchase this new type of service.

Youth Village Program

I am partially vetoing section 66 to clarify the match requirements of the Youth Village program. The Legislature's addition of a requirement that an applicant for a Youth Village grant provide matching funds, equal to 50% of the requested funds, establishes a dual matching fund requirement. A Youth Village grant applicant is already required to contribute an equal amount of matching funds, up to \$150,000, for funds used in the acquisition and renovation of a facility. I object to the additional matching requirement because it is unnecessary and confusing. I am partially vetoing this section to clarify the intent of the legislation.

The provisions included in this comprehensive juvenile justice bill will go a long way toward addressing the serious societal problem of juvenile delinquency in our communities. The bill includes a variety of innovative approaches to prevention, supervision and rehabilitation which I wholeheartedly support. I am very pleased with the strong, bipartisan support shown toward this bill and believe that the provisions enacted in this bill will serve to make Wisconsin a safer place to live.

Respectfully,
TOMMY G. THOMPSON
Governor

State of Wisconsin
Office of the Governor

April 22, 1994

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Act No.	Date Approved
445-----	398-----	April 21, 1994
510-----	399-----	April 21, 1994
772-----	400-----	April 21, 1994
378-----	408-----	April 21, 1994

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382-----	409-----	April 21, 1994
428-----	410-----	April 21, 1994
704-----	411-----	April 21, 1994
702-----	412-----	April 21, 1994
597-----	413-----	April 21, 1994
15-----	416-----	April 22, 1994
615-----	417-----	April 22, 1994
407-----	420-----	April 22, 1994
425-----	421-----	April 22, 1994
297-----	423-----	April 22, 1994
490-----	424-----	April 22, 1994

Respectfully,
TOMMY G. THOMPSON
Governor

State of Wisconsin
Office of the Governor

April 25, 1994

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Act No.	Date Approved
137-----	428-----	April 22, 1994
547-----	429-----	April 22, 1994
550-----	430-----	April 22, 1994
516-----	431-----	April 22, 1994
517-----	432-----	April 22, 1994
518-----	433-----	April 22, 1994
519-----	434-----	April 22, 1994
520-----	435-----	April 22, 1994
748-----	438-----	April 22, 1994

Respectfully,
TOMMY G. THOMPSON
Governor

SENATE CLEARINGHOUSE ORDERS

Senate Clearinghouse Rule 94-25

Relating to participation of aid to families with dependent children recipients in learnfare.

Submitted by Department of Health and Social Services.

Report received from agency, April 26, 1994.

Referred to committee on Health, Human Services and Aging, April 27, 1994.

Senate Clearinghouse Rule 94-28

Relating to practices or procedures provided to the administrator for approval.

Submitted by Office of the Commissioner of Banking.

Report received from agency, April 21, 1994.

Referred to committee on Financial Institutions and Cultural Affairs, April 27, 1994.

The committee on Health, Human Services and Aging reports and recommends:

Senate Clearinghouse Rule 93-61

Relating to provision of prenatal care coordination services under the medical assistance program.

No action taken.

Carol A. Buettner
Chair

The committee on Transportation, Agriculture, Local and Rural Affairs reports and recommends:

Senate Clearinghouse Rule 94-20

Relating to motor carrier safety regulations.

No action taken.

Senate Clearinghouse Rule 94-21

Relating to motor carrier safety requirements for transportation of hazardous materials.

No action taken.

Senate Clearinghouse Rule 94-22

Relating to motor carrier safety requirements for intrastate transportation of hazardous materials.

No action taken.

Alan J. Lasee
Chair

The committee on Business, Economic Development and Urban Affairs reports and recommends:

Senate Clearinghouse Rule 93-162

Relating to professional liability insurance requirements for chiropractors.

No action taken.

Senate Clearinghouse Rule 93-192

Relating to the cemetery consumer protection fund, annual report filing fees and the procedures and requirements for approval of cemetery care fund investments.

No action taken.

Senate Clearinghouse Rule 93-216

Relating to licensure of speech-language pathologists and audiologists.

No action taken.

Senate Clearinghouse Rule 93-240

Relating to the main street program.

No action taken.

Senate Clearinghouse Rule 93-217

Relating to examination fees.

No action taken.

Senate Clearinghouse Rule 93-218

Relating to reexamination fees.

No action taken.

Senate Clearinghouse Rule 93-219

Relating to reexamination fees.

No action taken.

Senate Clearinghouse Rule 93-220

Relating to reexamination fees.
No action taken.

Senate Clearinghouse Rule 93-221

Relating to examination fees.
No action taken.

Senate Clearinghouse Rule 93-225

Relating to examination and reexamination fees.
No action taken.

Senate Clearinghouse Rule 93-226

Relating to the organization form in which certified public accounting may be practiced.
No action taken.

Senate Clearinghouse Rule 94-1

Relating to technology development grants and loans.
No action taken.

Senate Clearinghouse Rule 94-19

Relating to the community development block grant portion of the Wisconsin development fund.
No action taken.

Senate Clearinghouse Rule 94-2

Relating to the community based economic development program.
No action taken.

Senate Clearinghouse Rule 93-199

Relating to the recycling loan and rebate programs.
No action taken.

George Petak
Chair

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 113.
Senate Bill 730.
Senate Bill 453.
Senate Bill 705.
Senate Bill 570.
Senate Bill 704.

Senate Bill 702.

Senate Bill 597.

Senate Bill 378.

Senate Bill 382.

Senate Bill 428.

Senate Bill 445.

Senate Bill 510.

Senate Bill 772.

Correctly enrolled and presented to the Governor on April 20, 1994.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 15.

Senate Bill 47.

Senate Bill 137.

Senate Bill 281.

Senate Bill 291.

Senate Bill 297.

Senate Bill 318.

Senate Bill 407.

Senate Bill 414.

Senate Bill 425.

Senate Bill 462.

Senate Bill 490.

Senate Bill 516.

Senate Bill 517.

Senate Bill 518.

Senate Bill 519.

Senate Bill 520.

Senate Bill 542.

Senate Bill 547.

Senate Bill 550.

Senate Bill 615.

Senate Bill 618.

Senate Bill 651.

Senate Bill 666.

Senate Bill 743.

Senate Bill 771.

Senate Bill 777.

Correctly enrolled and presented to the Governor on April 21, 1994.